

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 March 2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments, see response, filed 09 Marc 2009, with respect to the claims have been fully considered and are persuasive. The rejection of claims 14 and 18 has been withdrawn.

### ***Allowable Subject Matter***

3. Claims 14 and 18 are allowed.

4. The following is an examiner's statement of reasons for allowance: While it is known in the prior art to change shutter speed while keeping gain fixed, and to change gain while keeping shutter speed fixed (see for example Takahashi et al., US 5,831,676), the prior art does not teach or suggest a system and method of setting shutter speed, gain and pixel mixing in accordance with a level of magnification as claimed. Furthermore, it is noted that while Yamamoto (JP 2000-188716) teaches

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setting a shutter speed in accordance with a magnification level, Yamamoto teaches away from using the same shutter speed for a pixel mixing mode and a non-pixel mixing mode.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/  
Primary Examiner, Art Unit 2622